



501.43513X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KAMO et al  
Serial No.: 10/780,724  
Filed: February 19, 2004  
For: Display Device And Manufacturing Method Thereof  
Art Unit: 2826  
Examiner: S. Wilson

**RESPONSE**

Mail Stop: Response (Fee)  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 2, 2005

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated June 3, 2005.

The requirement for restriction to one of the inventions identified by the Examiner as Invention I - claims 1 - 14, drawn to a device, classified in class 257, subclass 72 and Invention II - claims 15 - 20, drawn to a method, classified in class 438, subclass 48, is traversed as being improper, and reconsideration and withdrawal of the restriction requirement are respectfully requested.

In setting forth the requirement, the Examiner contends that Invention II and I are related as a process of making and product made setting forth the requirements of MPEP §806.05(f) which requirements are in terms of the process as claimed and the product as claimed. The Examiner contends that "In the instant case instead of patterning to form layers, they could be formed by selective deposition." (emphasis added). Irrespective of the Examiner's contention, it is not seen that the claims recite

the feature of forming layers by "patterning" although the claims of both Invention I and II recite the feature of "at least one layer of deposition film which is deposited by a deposition method" (Invention I - claim 2 and Invention II - claim 15). Thus, applicants submit that the Examiner's basis for distinctness is improper and the Examiner has failed to show distinctness in accordance with the requirement of MPEP §806.05(f). Furthermore, applicants submit that the recited features of claim 2 of Invention I when considered with parent claim 1 of Invention I is coextensive with the features of claim 15 of Invention II such that distinctness therebetween cannot be properly shown. Accordingly, withdrawal of the restriction requirement is respectfully requested.

In order to provide a complete response to the requirement, applicants provisionally elect, with traverse, Invention I including claims 1 - 14.

Also, submitted herewith is an information disclosure statement and consideration of the documents submitted is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.43513X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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